

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Section 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval.

This proposal is being submitted for approval and adoption pursuant to the mandate of SB 1659 (Chapter 678, Statute 2006). The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

Existing law authorizes the Office of Statewide Health Planning and Development (OSHPD) to develop building standards for hospitals, skilled nursing facilities, licensed clinics and correctional treatment. The California Building Standards Commission is responsible for promulgating building standards submitted by OSHPD regarding these health facilities. There are no other entities in California with these authorities or responsibilities; therefore, OSHPD has concluded that no conflict, overlap or duplicate will occur between these proposed regulation and existing regulations.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

OSHPD's authority and jurisdiction is mandated by Alfred E. Alquist Hospital Facilities Seismic Safety Act (HFSSA) (Health and Safety Code, Division 107, Part 7, Chapter 1, Articles 1 through 9, Sections 129675 through 130070). Health and Safety Code Section 129850 authorizes the OSHPD to develop building standards in order to effectively carry out the Act.

In addition, Health and Safety Code Section 130021.5(a) specifically mandates that OSHPD propose regulations to amend the California Mechanical Code to facilitate the construction of toilet rooms for person with disabilities in health facilities.

3) The public interest requires the adoption of the building standards.

Existing statute is intended to serve the public interest by assuring that health facilities are designed and constructed for the safety of the patients and staff. OSHPD is proposing the regulations pursuant to the requirements of Health and Safety Code Section 130021.5(a).

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The proposed regulations are not unreasonable, arbitrary, unfair, or capricious. The proposed amendments to 2001 Title 24, California Mechanical Code, Section 407.4.1.3 air circulation would permit air from fire-resistive corridors to serve toilet rooms up to 50 square feet instead of the current 30 square feet maximum size. Increasing the room size will accommodate toilet rooms for persons with disabilities and provide cost effective construction requirements. Additionally, the amendments provide consistency with the California Building Code.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

The proposed amendment to Section 407.4.1.3 that would permit air from fire-resistive corridors to serve toilet rooms up to 50 square feet would result in a cost savings for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The savings would be up to \$2,900 per toilet room as air duct and outlet material, fire/smoke damper, installation, air balancing, etc. would not be required pursuant to this amendment. Energy costs would be reduced on average approximately \$75.00 per year per toilet room.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

The Hospital Building Safety Board, an advisory board for OSHPD, reviewed this proposal during its development and found the proposed building standards to be compliant with Health and Safety Code Section 18930(a).

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

Applicable national specifications, published standards and/or model code have been incorporated in these proposed building standards

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The format of this proposal is consistent with the format adopted by the California Building Standards Commission. The OSHPD has followed the procedural outline of the Commission and has complied with the requirements of the State Building Standards Law and the Administrative Procedures Act.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The Office of the State Fire Marshal has reviewed the proposed building standards and has determined that they do not promote fire and panic safety.